

**REPORT - PLANNING COMMISSION MEETING
May 26, 2005**

Project Name and Number: Housing Implementation Program 21 (PLN2004-00275)

Applicant: City of Fremont

Proposal: To consider a City-initiated General Plan amendment and rezoning of approximately 4.73 acres of land (three parcels) located on the north side of Stevenson Boulevard just west of Mission Boulevard in the Central Planning Area. The project proposes to change the General Plan land use designation from Commercial Office/Foot Trail to High Density Residential (23 to 27 dwellings per acre)/Foot Trail. A rezoning from P (Planned Development) District to the R-3-27 District (Multi-family Residential) District is also proposed.

Recommended Action: Recommend to City Council

Location: 39311, 39393 and 39439 Mission Boulevard

Assessor Parcel Numbers: 507-0455-001-00, 507-0455-002-00, 507-0455-003-00

Area: 4.73 acres

Owners: Gloria Arias, Alan J. & Hannah Kwan, Mission Company

Agent of Applicant: None

Consultant(s): None

Environmental Review: A Mitigated Negative Declaration was prepared and circulated for this project.

Existing General Plan: Commercial Office and Foot Trail

Existing Zoning: P (Planned Development) District

Existing Land Use: Vacant (with former fruit stand) and two single-family residences with accessory buildings

Public Hearing Notice: Public hearing notification is applicable. A total of 114 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on May 13, 2005. A Public Hearing Notice was delivered to The Argus on May 9, 2005 to be published by May 12, 2005.

Executive Summary: This proposal generally implements a portion of Program 21 of the Housing Element. Program 21 consists of the rezoning and redesignation of commercial and/or industrial lands on the east side of Interstate 880 for residential use to accommodate increased densities for the production of housing. The subject redesignation and rezoning includes three parcels totaling 4.73 acres that are being considered for redesignation and rezoning to implement the goals, policies and programs set forth in Program 21. Staff recommends that the Planning Commission recommend to the City Council that the subject site be redesignated from the existing Commercial Office and Foot Trail to a High Density Residential of 23-27 dwelling units per acre and Foot Trail and rezone the site from P (Planned Development) District to R-3-27 (Multi-Family Residential) District.

Staff is also requesting that the Planning Commission recommend approval of the proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Plan to the City Council.

Background: The City is charged by State statute with responsibility for updating its Housing Element. A Housing Element is a planning document (part of the General Plan) that guides the City's housing efforts. The Element not only provides general goals, objectives and policies but also proposes implementation programs to meet the stated goals and objectives. The Housing Element must also address the City's allocation of housing needs prepared by the Association of Bay Area Governments. The Association of Bay Area Governments (ABAG) has determined the 1999-2006 Regional Housing Needs Distribution Allocation for all Bay Area cities and counties, including Fremont. The total housing need for Fremont is 6,708 units (revised to 4,912 based on recent housing production as set forth in the Housing Element). This allocation is based upon ABAG's projections of the City's share of regional job growth and regional household growth during the 1999-2007 period. (The State later extended the period to 2007.)

Existing law requires the State Department of Housing and Community Development (HCD) to evaluate the programs in the housing element for consistency with State law. Those programs include the identification of sites to be made available to encourage the development of a variety of types of housing for all income levels.

On February 12, 2002, the City Council adopted a new Housing Element to replace the previously adopted (May 1991) Element. Council adopted a revised Housing Element on May 13, 2003. On July 17, 2003, HCD informed the City of Fremont that the Housing Element adopted by the City Council on May 13, 2003 was found in compliance with State law. HCD reiterated the need for the City to meet the established timeframes. The City submitted an annual report to HCD on the progress in implementing identified Housing Element programs prior to the October 1, 2004 deadline. The next report will be due on October 1, 2005.

Project Description: Staff proposes the redesignation and rezoning of three parcels located north of Stevenson Boulevard and on the west side of Mission Boulevard to implement the Housing Element. This is being considered on May 26th as part of the fourth grouping of redesignations and rezonings required to implement strategies of the Housing Element related to increasing opportunities for the production of housing in Fremont. The first grouping of sites was for Program 22 (Redesignation and Rezoning of Older Shopping Center Sites), and Program 23 (Rezoning Sites to Mixed-Use to Accommodate Affordable Housing Developments) of the Housing Element. These sites were approved by the City Council in December 2003. The second grouping of sites, which included Programs 18 (Increasing Densities on Existing Designated Vacant and Underutilized Parcels), 19 (Redesignation of Lands Along Transit Corridors and 21 (Commercial and Industrial Redesignation), were approved in July 2004. The third grouping of sites under Program 18 were approved in December 2004.

In Program 21, the Housing Element provides that commercial and industrial designated properties, generally east of I-880 should be considered as opportunity sites for additional housing. During the preparation of the Housing Element, the City identified several sites in different planning areas that fell under this category. In order to make the process of redesignation manageable, staff brought forth groupings of sites in several cycles in 2004/2005, as noted above. The fourth cycle before the Planning Commission at this time under Program 21 includes five sites on approximately 51 acres that are located in the Northern Plain, Irvington, CBD, and Central Planning Areas. The other four sites, not a part of this application, are being presented under a separate report with a separate environmental document.

The site proposed for redesignation and rezoning under this application is shown in Exhibit "A" (proposed General Plan redesignation) and Exhibit "B" (proposed rezoning), which are included as Attachments to this Report. This site consists of approximately 4.73 acres on three parcels that are located on the north side of Stevenson Boulevard, and on the west side of Mission Boulevard. The project site is generally flat and contains one vacant building formerly used as a fruit stand and two single-family dwellings with accessory buildings. This site contains no unique topographic or other natural features. The project includes redesignation of the 4.73 acres site from Commercial Office and Foot Trail land use designation to High Density Residential (23-27 dwellings per acre) and Foot Trail. At the same time, the site would be rezoned from P (Planned Development) District to R-3-27 (Multi-Family Residential).

Land uses surrounding this site include scattered office buildings to the north, a single-family subdivision to the east (across Mission Boulevard), railroad tracks to the west with a private school beyond the tracks, and an office complex to the south (across Stevenson Boulevard).

Analysis: Program 21 consists of commercial and/or industrial lands on the east side of I-880 to be redesignated and/or rezoned to accommodate increased densities for the production of housing. The parcels that are proposed for redesignation under this application are considered prime candidates for redesignation because they are located on arterial streets or major collector streets, and have been identified as potential residential sites in the Housing Element's list of Vacant and Underutilized Sites (Sites 700-702).

General Plan Conformance: The proposed General Plan amendment will redesignate the three parcels that comprise this site from Commercial Office and Foot Trail to a residential density designation of 23 – 27 dwellings per acre and Foot Trail. The following General Plan Goals, Objectives and Policies are applicable to the proposed designations:

- Fundamental Goal F8: *“A Diversity of residential, recreational, cultural, employment and shopping opportunities”*
- Fundamental Goal H3: *“Housing affordable and appropriate for a variety of Fremont households at all economic levels throughout the city consistent with the Hill Area Initiative of 2002”.*

Housing Program Strategy

- Implementation 21: *Commercial and Industrial Re-designation...The City will actively solicit property owners and developers interested in the re-designation of commercial and/or industrial lands on the easterly side of Interstate 880 for residential use. From the identified candidate sites, the City Council will determine the suitability of sites for conversion in accordance with other General Plan goals, objectives and policies in order to meet the objectives. Properties to be converted will be rezoned to R-3 (Multiple-Family Residential) or P (Planned) districts at densities ranging from 5 to 50 units an acre to accommodate a total of 753 units.*

The proposed general plan amendment will accommodate residential densities and are consistent with these land use and Housing Element goals and policies and Housing Element implementation strategies because redesignation of sites will allow increased opportunities for the production of higher density housing along existing transportation routes which are already served by utilities. Where appropriate, they will accommodate residential uses at the minimum established mid-point density ranges, and will implement key Housing Element Strategies that are intended to facilitate the production of new housing in the City of Fremont.

Zoning Analysis:

The subject parcels are currently zoned P (Planned Development) District. The request includes a rezoning of the three parcels to the R-3-27 (Multi-Family Housing) District, which is the appropriate zoning designation based on the proposed new General Plan designation of 23-27 dwellings per acre. The R-3 zoning district includes more flexible development standards, which provide incentives to developments that help achieve the goals for higher densities and affordable projects. The high end of the density range is indicated in the zoning label for each parcel.

The Initial Study for the project indicates that the parcels contain mature trees, many planted for landscape enhancement purposes, as part of existing development. Some of the trees may meet City requirements as a heritage tree and loss of such heritage trees could be a potentially significant impact. Prior to residential development on any of the parcels, an arborist report shall be prepared to assess potential loss of any heritage trees. If heritage or other significant trees are identified, the arborist shall prepare a tree preservation plan to protect such trees during construction and to ensure long-term health of such trees. If heritage or other significant trees cannot be retained, a tree replacement program shall be prepared, in accordance with the City's tree ordinance. The Initial Study also indicates that the parcel commonly known as 39311 Mission Boulevard (APN 507 0455-003-00) may contain a potential historic structure. An historical resource survey shall be conducted by a qualified architectural historian to identify the significance of a potential historic resource prior to any proposed development. None of these issues would preclude development of the properties. However, such environmental and historic resource factors may be used to justify achieving less than the midpoint minimum density when a specific

development is proposed. All new residential construction requires review and approval through the Site Plan and Architectural Approval application process, which is reviewed by the Planning Commission.

Property owner outreach: All owners of property within all three parcels were mailed notices on in April of 2005 regarding the City's intent to consider their property in this redesignation/rezoning effort. Staff met with all three owners and/or representatives who indicated their support of the proposed redesignation and rezoning.

Environmental Analysis: An Initial Study, Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program have been prepared for this project. A finding is proposed that this project would not have a significant effect on the environment with the implementation of the proposed mitigation measures. Accordingly, a Draft Mitigated Negative Declaration has been prepared for consideration by the Planning Commission and City Council. The review period for the Initial Study and Mitigated Negative Declaration began on April 27, 2005 and will conclude on May 26, 2005. A Draft Mitigation Monitoring and Reporting Program has been prepared for the project and is attached to this report. The Planning Commission may make a recommendation on the Draft Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program based on comments made up to the time of the Planning Commission meeting. It should be noted that the Initial Study and Mitigated Negative Declaration listed the application number as PLN2005-00275 instead of PLN2004-00275. This is considered a typographical error has been corrected as an errata.

The Initial Study conducted for the project has evaluated the potential for this project to cause an adverse effect -- either individually or cumulatively -- on wildlife resources. There is no evidence the proposed project would have any potential for adverse effect on any wildlife resources. Based on this finding, a Certificate of Fee Exemption will be submitted with the Notice of Determination after project approval, as required by Public Resources Code section 21089. The Certificate of Fee Exemption allows the project to be exempted from the review fee and environmental review by the California Department of Fish and Game.

Response from Agencies and Organizations: Staff has not received any substantive comments on the Mitigated Negative Declaration for this project.

This project was submitted to the Alameda County Congestion Management Agency (ACCMA) for review to determine if implementation of the proposal would create an impact on the regional transportation network. The agency responded with no comments on the project.

Exhibits: Exhibit "A" General Plan Exhibit
 Exhibit "B" Zoning Exhibit

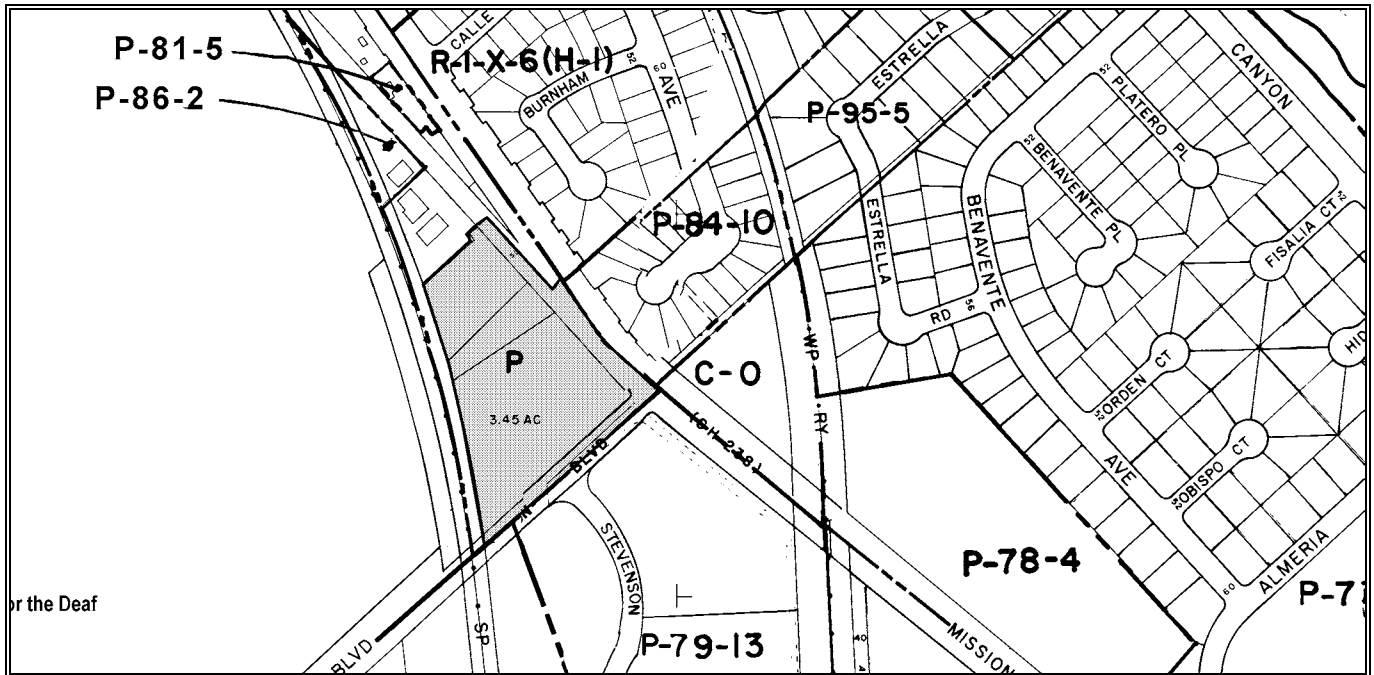
Enclosures: Errata Sheet, Initial Study and Draft Mitigated Negative Declaration, Mitigation Monitoring and Reporting Program

Recommended Actions:

1. Hold public hearing.
2. Recommend to the City Council that the initial study conducted for PLN 2004-00275 has evaluated the potential impacts for the proposed redesignation and rezoning that could cause an adverse effect, either individually or cumulatively, on wildlife resources, and find that there is no evidence the project would have any potential adverse effect on wildlife resources because the site has been routinely farmed/used to raise crops and/or developed with residential buildings.
3. Recommend to the City Council the adoption of Draft Mitigated Negative Declaration and Responses to Comments (if applicable) for PLN2004-00275, with accompanying Certificate of Fee Exemption finding that it reflects the independent judgement of the City of Fremont, and finding that there is no substantial evidence that the project, as mitigated, will have a significant impact on the environment.

4. Recommend to the City Council the adoption of the Mitigation Monitoring and Reporting Program.
5. Find that General Plan amendment to High Density Residential (23-27 dwellings per acre) and Foot Trail and rezoning to R-3-27 (Multi-Family Residential) District are in conformance with the relevant provisions contained in the City's General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Land Use and Housing Element Chapters as enumerated within the staff report.
6. Recommend that the City Council approve PLN2004-00275 to amend the General Plan land use diagram to designate the subject site with a high residential land use designation of 23 – 27 dwellings per acre and Foot Trail, and rezone it to R-3-27 District in conformance with Exhibits "A" (General Plan Amendment) and "B" (Rezoning Exhibit).

Existing Zoning
Shaded Area represents the Project Site



Existing General Plan

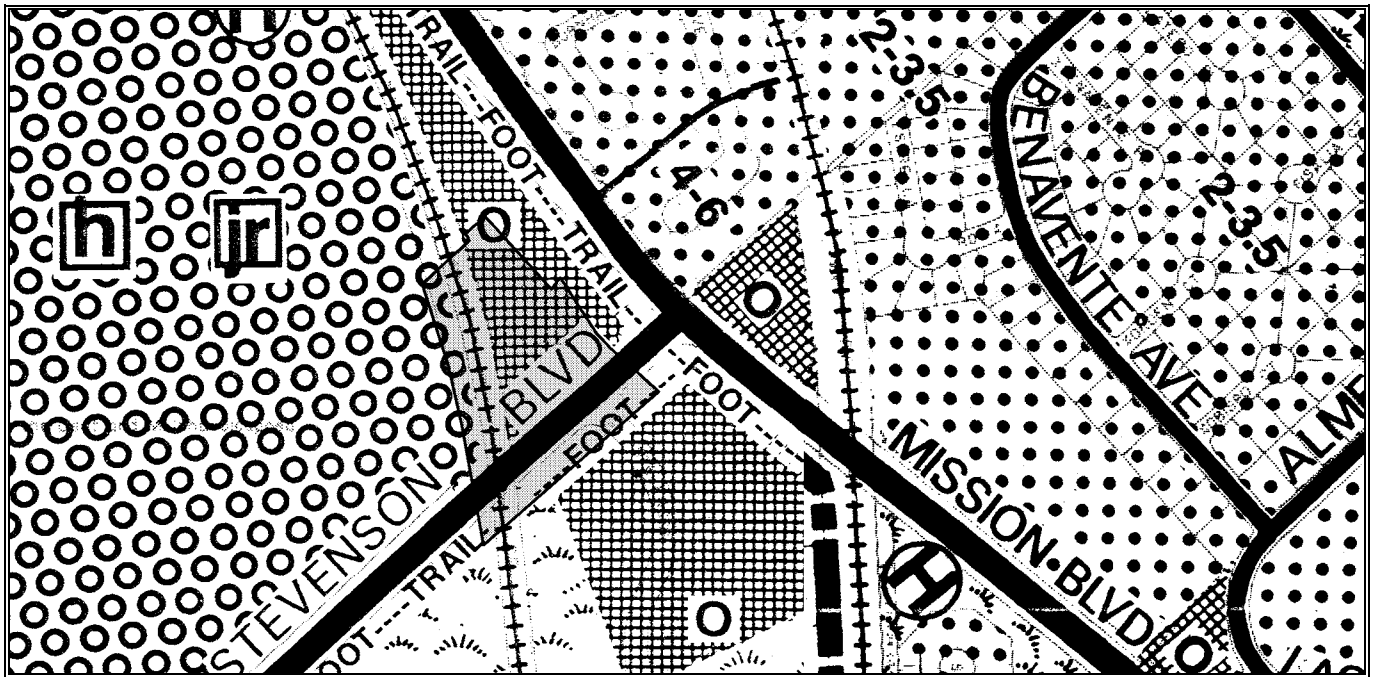


EXHIBIT "A"

Attached to and made a part of

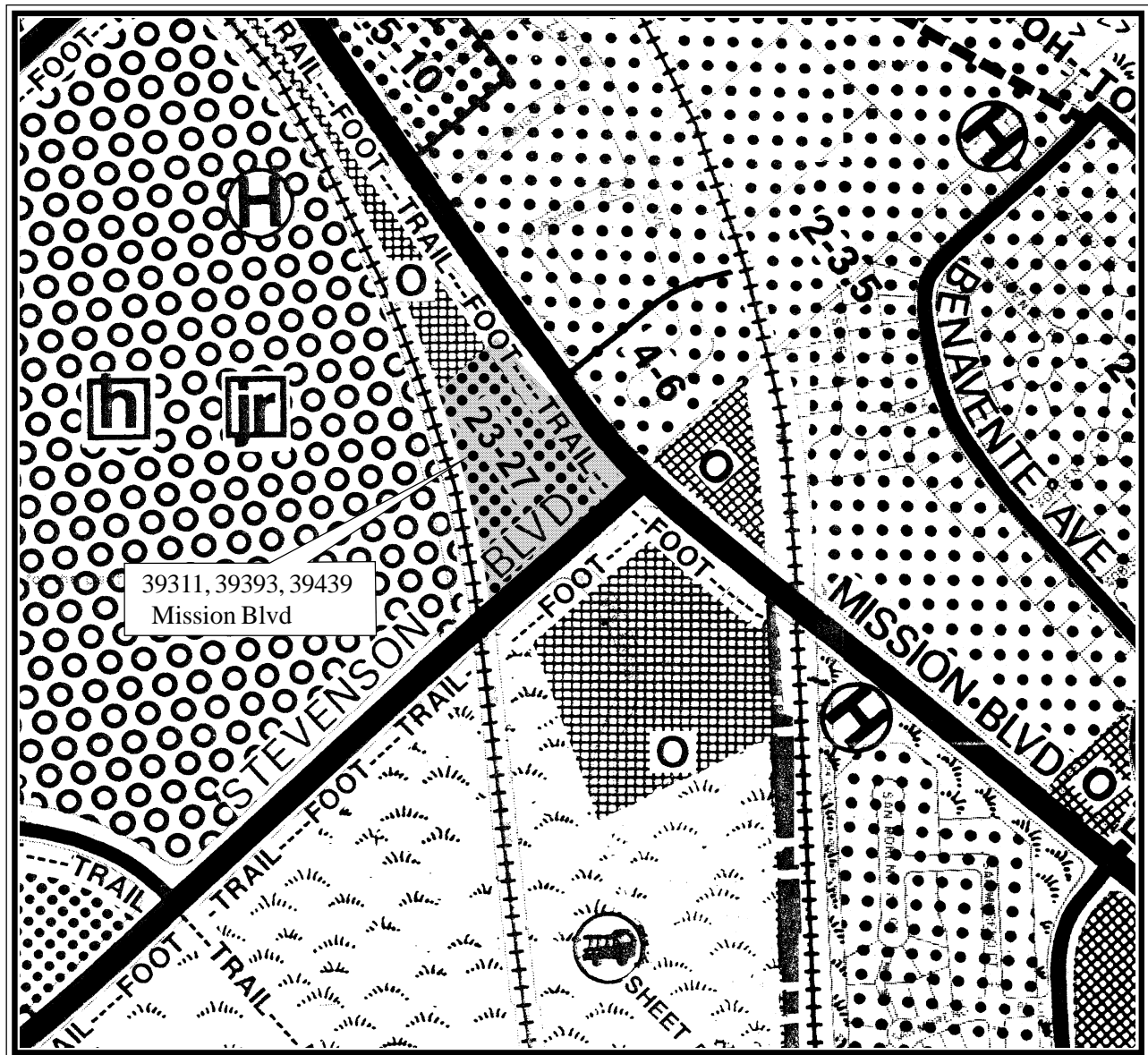
Resolution No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, 20 05.

GENERAL PLAN LAND USE DIAGRAM (SECTION)

AFFECTS LAND USE DIAGRAM(S) FOR THE CENTRAL PLANNING AREA



From: Commercial Office & Foot Trail

To: Residential, High 23-27 du/ac & Foot Trail

[pc 05-26-2005] 72-388, 78-388

Project Name: Housing Element Implementation Program 21 (Stevenson at Mission)

Project Number: PLN2004-00275 (gpa)

[Signature]

EXHIBIT "B"

Attached to and made a part of

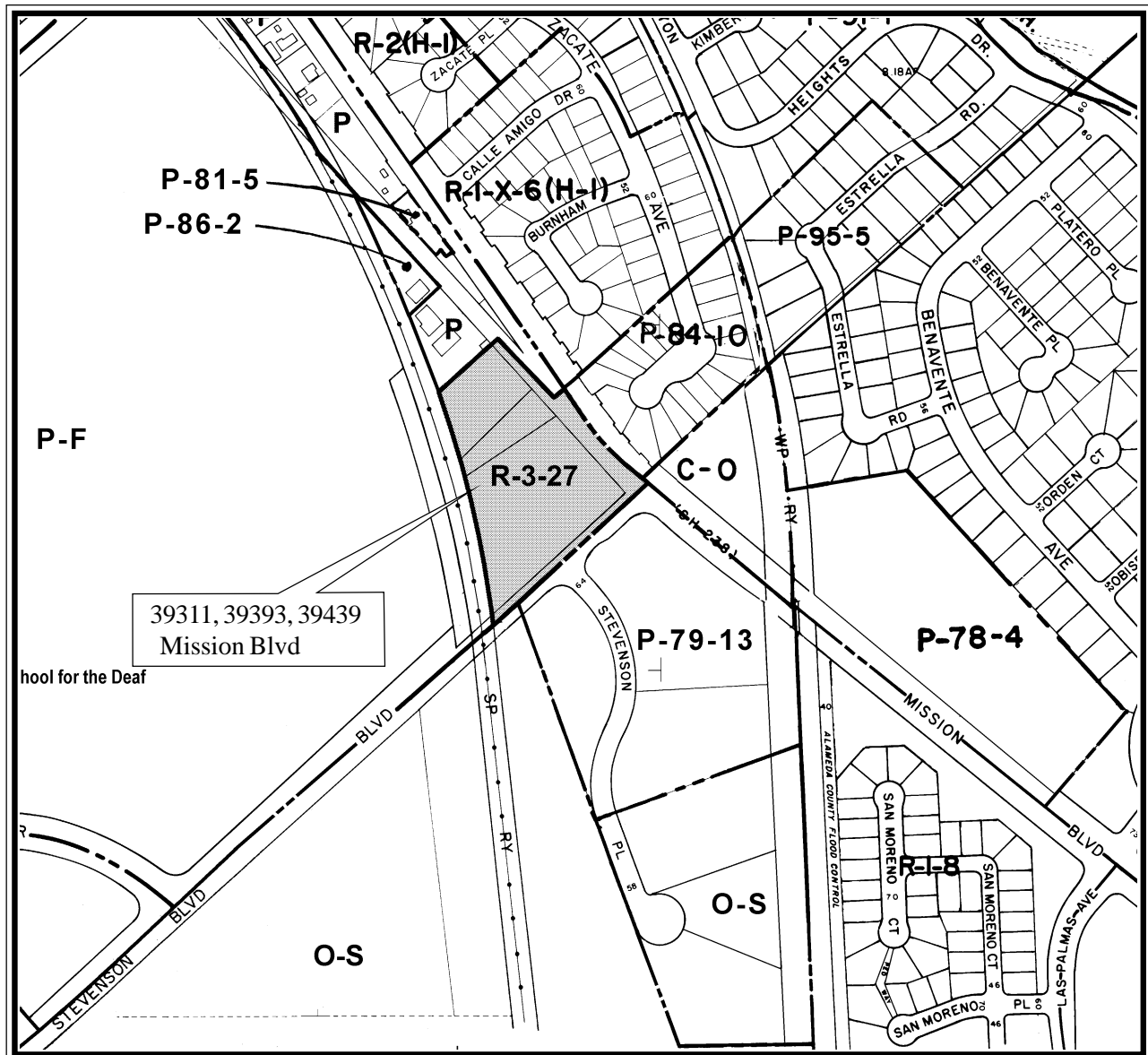
Ordinance No. _____

adopted by the City Council of the City of Fremont, California

On the _____ **day of** _____, **20** 05.

ZONING MAP (SECTION)

AFFECTS ZONING MAP(S) FOR THE CENTRAL PLANNING AREA



From: P

To: R-3-27

[pc 5-26-2005] 72-388, 78-388

Project Name: Housing Element Implementation Program 21 (Stevenson at Mission)

Project Number: PLN2004-00275 (rez)

[Signature]